



GREENWOOD COMMON COUNCIL JANUARY 5, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Mayor led in prayer.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.
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Mr. Gibson moved to postpone action on the minutes of December 15th, with second by Ms. Reed. Vote: Ayes.

The City Attorney had distributed her litigation report. Mr. Armstrong asked for a status on the cases that were listed "No Change" for the next meeting.

Mr. Deer announced that a special training session for new and existing Council members and Plan Commission members will be January 26th.

ORDINANCE No. 03-58 – An Ordinance Amending Ordinance No. 89-65, As Amended, and Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 8, Section 2-69 (k), to Permit City Employees to Carry Over Up To 40 Hours of Unused Vacation Leave into the Year 2004 Only. Mr. Deer moved to pass Ordinance No. 03-58 on first reading. Second by Mr. Bates. Director of Human Services Carolyn Gaier, using figures from the first of December, estimated approximately 601.5 hours that would be allowed to be carried over. Mr. Bates suggested that at the beginning of the year department heads pass out calendars for employees to mark their vacations. Ms. Gaier noted that each department head monitors this in his own way. Ms. Koons-Davis reminded the Council that the last draft did not refer to those unable to use their vacation because of workload issues, which she understood was the intention of the Council. Mr. Hardin thought the department heads should schedule vacations to avoid the problem of employees not being able to use their time. Ms. Reed moved to amend the ordinance to clarify the workload issue. Second by Mr. Bates. In response to Mr. Deer, Ms. Koons-Davis said that now there is nothing to prohibit changing vacation time to sick time or disability time, for example. Mr. Deer suggested that department heads should not allow employees to change what time has already been taken. Ms. Koons-Davis did not expect those kinds of issues. Vote: Ayes. **AMENDED.** Vote on Ordinance No. 03-58 as amended: Ayes. **PASSED FIRST READING AS AMENDED.**

ORDINANCE No. 03-59 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing for the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana, As Amended, and For the Repeal of All Ordinances in Conflict Herewith" (Proposed Rezoning of approximately 68 acres of land located south of Cutsinger Road and east of Honey Creek Road, commonly known as the Komari Property). Mr. Deer moved to pass Ordinance No. 03-59 on first reading. Second by Mr. Armstrong. Bob Wildman represented the developer, E.S. Development, and with him was engineer Ken Zumstein and Jim Marshall of Adams & Marshall Homes. The parcel is currently farm ground, zoned R-2, and is essentially surrounded by farm ground, said Mr. Wildman. Woodfield Subdivision is under construction to the west. Mr. Wildman told the Council that the comprehensive plan provides for a density of 2.5 to 3.5 homes per acre. They are requesting that the east 42.5 acres be rezoned to R2-A and the west 25.5 acres be rezoned R2-B in order to develop two different products on the property. The R-2A portion is intended for 81 seventy-foot lots, while the R-2B would be for an empty-nester, active adult community. There is a substantial amount of green space, noted Mr. Wildman, adding that the overall density is 2.4 units per acre, substantially less than would be allowed under the comprehensive plan for this area. Mr. Wildman then reviewed the commitments for each portion. A homeowners' association would oversee

the architectural control committee and the maintenance of the common areas. Mr. Hardin asked about road improvements. Mr. Zumstein replied that the engineering department will require that they reconstruct Honey Creek and Cutsinger Road. Mr. Wildman mentioned that improvements along Honey Creek are being done for Woodfield. There was discussion on the lot and home sizes at this point. R-2, as the land is currently zoned, permits 80-foot lots of 12,000 square feet. R-2A permits 70-foot lots of 9,000 square feet, minimum home size of 1,000 square feet. R-2B has homes with a minimum 900 square feet, 55-foot lots of 6,500 square feet. They have committed to homes of 1,400 square feet, larger than R-2, and 60-foot lots in the R-2B section. Mr. Deer indicated that it has been his practice to have the commitments considered even with unfavorable recommendations. There had been concerns about the layout. Mr. Wildman agreed that there had been no age restriction but reiterated that the R-2B portion was not designed or planned for children. Vote: Ayes – Deer, Gibson, Bless; Nays – Hardin, Reed, Armstrong, Bates. **ORDINANCE No. 03-59 FAILS.**

ORDINANCE No. 03-40 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 7.23 Acres Located on the North Side of Curry Road and Approximately 1/3 of a Mile East of State Road 135, and Commonly Known as the Thompson Property. At counsel's recommendation, Ms. Reed moved to amend Ordinance No. 03-40 as follows:

In the fifth WHEREAS clause, in the first line by deleting the “R-4” and replacing it with “R-6”. Second by Mr. Hardin. Vote: Ayes. **AMENDED.**

Mr. Bless then moved to pass Ordinance No. 03-40, as amended, through second reading. Second by Mr. Bates. Planning Director Ferguson, in response to Mr. Armstrong, noted that the number of units (62 was in the report) had been changed several times before the fiscal plan was completed. Ms. Koons-Davis said she is fairly certain that the 72 units mentioned in the ordinance was the final total approved by the Plan Commission. Mr. Deer mentioned that this received a 9 – 0 favorable recommendation from the Plan Commission. The property could be developed in the County, where it is currently zoned R-6. The City Attorney confirmed that, with the discrepancy in the number of units, the ordinance could be postponed until the next meeting and still acted upon before the deadline. After more discussion, Mr. Bless moved to continue until next meeting. Second by Mr. Armstrong. Vote: Ayes. **ORDINANCE No. 03-40 CONTINUED UNTIL JANUARY 19, 2004 MEETING.**

RESOLUTION No. 04-01 – A Resolution Confirming Resolution 03-29 The Declaration of a Certain Area Within the City of Greenwood an Economic Revitalization Area and Qualifying Certain Real Property and Improvements For Property Tax Abatement (Greenwood Partners I – County Line Business Park, Building A). State statute requires that there must be a public hearing, as this has been advertised, and at the conclusion of the hearing, there will be a motion to either confirm, modify and confirm, or rescind Resolution No. 03-29. Mayor Henderson opened the floor for the public hearing. Pat Sherman and Chris Alexander represented the petitioner. Mr. Sherman noted that it is approximately a \$20 million project; they are requesting a 10-year abatement. The speculative building will be around 816,000 square-feet. Mr. Sherman commented that they would like to have more personal property inside the building, with higher-salaried employees to maintain the machinery. Mayor Henderson asserted that the City should not allow buildings to sit uncompleted, as is the case with a building in Precedent Business Park with a Patillo project. The Mayor indicated that he told Quadrangle Development that he thought they should be prepared to finish their building and get it on the tax rolls and had the same conversation with Lauth concerning this project. Mr. Sherman confirmed that the building will be completed as shown. Counsel, in response to Mr. Deer, said that Phase I is to begin within twenty-four months and be completed within seven to 10 months, and Phase II to start 18 months thereafter and finish within seven to 10 months. As no one else spoke, the public hearing was closed. Mr. Deer moved to pass Resolution No. 04-01. Second by Mr. Bates. Mr. Alexander described their experience in the Brownsburg area, where they received a 10-year abatement on speculative products, on four different projects. For example, TJX, the parent company for TJMaxx has been in an 800,000 square-foot center about 2½ years and are now employing nearly 500 people. Mr. Alexander told the Council that, although it is called “tax abatement” he views it as “tax stimulation”. In response to Mr. Hardin, Mr. Sherman indicated that TJX put \$295,000 into the coffers of that TIF district the first year and over \$400,000 the second year. Mayor Henderson discussed the Federal monies (80%) that have been approved for improving Arlington Avenue from just north of Main Street to County Line Road. This is in process for 2006, said the Mayor. There was more discussion on the roads, during and after construction, and buffer zones between the northern and southern borders. Vote: Ayes – Reed, Bates, Bless, Deer, Gibson, Hardin; Nay – Armstrong. **RESOLUTION No. 04-01 ADOPTED.**

Going back to Ordinance No. 03-40, Ms. Koons-Davis told the Council that she had recounted the days, and the next meeting would be the 63rd day, which would miss the deadline by 3 days. She indicated that the ordinance would have to be acted on tonight or at a special meeting for that purpose. Mr. Armstrong moved to bring Ordinance No. 03-40 off the table for discussion. Second by Mr. Bates. Vote: Ayes. Motion carried. Roll call on Ordinance No. 03-40: Ayes – Bates, Bless, Deer, Gibson, Reed; Nays – Hardin, Armstrong. **ORDINANCE No. 03-40 PASSED SECOND READING.**

ORDINANCE No. 04-01 – An Ordinance Transferring Funds From the Budget of the Greenwood City Court (\$40,582) to the Budget of the Post-Conviction Services (Probation & Drug Court). **INTRODUCED.** Judge Lew Gregory explained that this is a transfer from late fees that are collected on traffic tickets. A portion was used last year for some preliminary work on upgrading court technology. The amount in the ordinance is approximately the balance in the account as of the middle of December, he added. Money flows into the account, he estimated, at the rate of \$2,000 to \$3,000 per month. Judge Gregory told the Council that the post-conviction services has been running at a small deficit each month for about the last eighteen months. He became aware of the problem in mid-2003 and began working to erase the deficit. The deficit for post-conviction services is going down, he added, and he is confident that by the middle of 2004, they will be back in the black. Currently, the best information is that the deficit may be as much as \$35,000. Judge Gregory commented that he sees this as a “one-time glitch” and he intends to double-check the numbers.

Under old business, Ms. Reed asked for an update concerning the possibility of a business operating at 905 Fry Road. In reply to the Mayor, Mr. Ferguson stated that his department sent a notice to the property owners and received correspondence a few days ago from their attorney. The attorney notified us that the owner’s wife had just passed away, and they would address the issue with us shortly.

In response to Mr. Deer, the City Attorney clarified that heavy trash pick-up is the last full week of the month. Mr. Deer then asked about the electric rates at Alden Place. Mr. Ferguson said he has not heard anything further. They are trying to work out a contract.

Under new business, Mr. Hardin nominated Jessie Reed for President of the Council. Mr. Deer moved the nominations be closed. Vote: Ayes. Ms. Reed was elected by proclamation.

Mr. Hardin then nominated Bruce Armstrong for the Plan Commission. Mr. Bates moved that the nominations be closed. Vote: Ayes. Mr. Armstrong is the Planning Commission representative.

For the Johnson County Solid Waste Management Board Ms. Reed nominated John Gibson. Mr. Hardin moved to close nominations. Vote: Ayes. John Gibson will be the representative on the Solid Waste Management Board.

Mr. Vargo is willing, said Mr. Gibson, to continue on the Economic Development Commission. Ms. Koons-Davis reported that Lee Money and Garnet Vaughan are willing and interested in continuing to serve on the Redevelopment Commission and Shan Rutherford is willing to continue on the Board of Zoning Appeals. Mr. Deer moved to reappoint Garnet Vaughan and Lee Money to the Redevelopment Commission. Second by Mr. Hardin. Vote: Ayes. Mr. Hardin nominated Shan Rutherford for the BZA. Second by Mr. Bates. Vote: Ayes. Mr. Hardin nominated Hal Vargo for the EDC. Second by Mr. Armstrong. Vote: Ayes.

Mayor Henderson received a letter from Margaret Hamilton of the Library Board concerning Ellen Miller’s appointment. She has served two terms and is doing a good job as secretary, the Mayor reported. Ms. Reed moved to acknowledge the Mayor’s appointment of Ms. Miller to the Library Board. Second by Mr. Hardin. Vote: Ayes.

Ms. Reed reiterated her request of a list for all appointments and the date their term expires. She also asked that the City Attorney prepare an ordinance to allow the Clerk-Treasurer to use the remaining \$3,000 that was appropriated for the salary of the Deputy Clerk-Treasurer. Ms. Myers introduced her new Deputy Kathie Fritz. Next Ms. Reed asked for an ordinance to amend the rules of procedure, stressing her interest in having the third item on the agenda to be “Requests From the Audience” as a courtesy to the public. She also asked the rules of procedure be amended to include an introduction, a complete explanation and/or presentation be given to the Council for each ordinance introduced. Ms. Reed next requested an ordinance to abolish fire hydrant fees from the water bill. It is the wish of the new Council members, she continued, to have an ad hoc committee to serve at the pleasure of the Council. Serving

on that committee would be three Council members appointed by the President of the Council, one member appointed by the Mayor and one member appointed by the committee.

Mr. Hardin requested a copy of any standing rules or Council procedures that we are going to adopt for the next four years, besides Roberts Rules of Order. The City Attorney indicated that by ordinance the Council has rules and procedures for running meetings. If there is not a specific rule, she said, we refer to Roberts Rules of Order. It is set up in the Greenwood Municipal Code. Mr. Hardin next requested that the Clerk-Treasurer attempt to get the City balance sheet on the web site and have it updated on Mondays. Mr. Hardin asked that a list of streets to be paved for the next five years be prepared, with cost, so that the paving projects could be projected.

Mr. Hardin next requested that a stop sign and cross walk be placed at the intersection of Barrington and Yorktown. Mayor Henderson remarked that a warrant study of that intersection has been done in the past, and the City did not qualify. This can be looked at again. Along that line, Mr. Deer asked that Mr. Peoni make available a synopsis of the standards and guidelines. Mr. Hardin asked that the Curry Road and Honey Creek intersection be studied for a possible three-way stop sign. Mr. Ferguson mentioned that would still be County road because when Barrington was annexed law dictated that the road remain in the County until both sides were annexed. Mayor Henderson said he would pursue that with the County.

Mr. Hardin next asked for an update on information on the 2004 budget on the purchase for \$25,000 of a new vehicle for the Engineering Department out of Sanitation Funds. Mayor Henderson said that the Board of Public Works and Safety has a policy that no purchase over \$10,000 can be made without first coming to the Board of Works, and even before that Board member Warren Beville and the Director of Operations look at the request. The Mayor said there has not been a request for the purchase of that vehicle. Mr. Hardin asked that those funds in Appropriation 444 be returned to the Sanitation Fund. Mr. Deer pointed out that the Sanitation Budget is approved by the Board of Public Works and Safety.

Mr. Hardin requested that \$26,000 out of the Information Technology budget for the upgrade of computers be returned to the General Fund as he understands that those upgrades were completed in 2003. The Mayor suggested that the Council wait to see if those funds might need to be re-channeled to the Clerk-Treasurer's office. He told Mr. Hardin there very well might be an overlapping of funds but reiterated that his position was to wait. Director of Technology Rick Jones informed the Council that some purchases have already been made for the Clerk-Treasurer's office, although there are some hardware items that need to be purchased. He reminded the Council that he never knows what repairs will be needed on equipment, as well, and that insurance deductibles have gone up. Mr. Jones next talked about upgrades that were outlined in his worksheet and then said that he had discussed with the Clerk-Treasurer the possibility of some funds being available for hardware items through some savings in 2003.

Mr. Gibson mentioned that no repair has been done to the house at Fry Road and Madison Avenue that was damaged by a car. He expressed concerns about vandalism.

Mr. Gibson next asked for an update on land for a fire station on the east side. He described an idea of using airport land, as in Fishers and Carmel. Mayor Henderson said land has been purchased on Arlington Avenue, near the new water tower. Plans call for a new facility in 2005 or 2006.

On the bond issue, Mayor Henderson stated that he thinks the next step is appearing before the Department of Local Government Finance on February 27th. Mr. Armstrong asserted that he believes bonding should only be used for new construction and discussed a five-year plan for maintenance in Valle Vista. Ms. Koons-Davis cautioned that the Council does not approve line-item budgets and cannot get project specific. Mr. Armstrong reiterated that the bond issue sets a dangerous precedent with other subdivisions wanting the same for their streets. He said he would like to work with the street department to work on a plan that would keep construction going in a fiscally responsible manner. Mayor Henderson said they would set up a meeting with the Engineering Department and the Street Department. He added that maintenance money is probably not more than \$600,000 or \$700,000 per year. Dividing that 3 ways is a lot of band aid work and not making a dent in the process, he added. The Mayor went on to discuss plans for Imperial Hills this year.

At this point, Mr. Gibson returned to one of Ms. Reed's suggestions by saying that if one of the Boards or Commissions has a report that should happen under item "C" early in the meeting.

From the audience, Steve Warner, Valle Vista resident, discussed the plan to get the streets fixed. He wants to keep the issue on the table. Mr. Armstrong reminded him of the meeting that was set up with the Mayor, staff, and Valle Vista homeowners. Mr. Deer asked about seeing a timeline or flowchart of the entire bond process.

At this time Mr. Bates forwarded letters of opposition to the Wal-Mart at Olive Branch Road and State Road 135 to the Clerk-Treasurer (in the attachments of this meeting).

Mr. Hardin submitted an ordinance pertaining to City Vehicles to the City Attorney for her review.

From the audience Linda Gibson asked about the portion of Honey Creek Road west of the development and said there were large holes there. Mayor Henderson said a good portion is still under County jurisdiction. He asked the Street Superintendent to look into that. Mr. Deer suggested a color-coded map would be helpful. Mr. Ferguson announced that they are working on a packet for every Council member that would include the subdivision, zoning and drainage and computer generated maps showing the boundaries.

Gordon Pitman from Valle Vista talked about the needs of his neighborhood and Northern Park. He urged the Council to keep an open mind on the bond issue and said that the projects involved were more than maintenance.

Mayor Henderson announced that he is having a new phone directory of City employees, departments and boards. It should be ready for the next meeting. Mr. Deer mentioned that the City web site is available to the public for those who want to contact a Council member.

Mayor Henderson asked about former Clerk-Treasurer Genny Worsham. Ms. Reed gave an update on her last phone conversation. Marty Chitwood also gave an update.

With no further business, the meeting adjourned at 9:20 p.m.